

SEP 20 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Roy M. Harsch, Esq.
Gardner, Carton & Douglas
Suite 3400-Quaker Tower
321 North Clark Street
Chicago, Illinois 60610-3000

RE: Pries Enterprises, Inc.
Docket No. VII-88-H-0034

Dear Mr. Harsch:

We have received your letter dated August 1, 1990, in which you forwarded a copy of the closure plan for the referenced facility for our review. In your letter you stated that an expedited technical review of the Closure Plan would greatly expedite settlement of this case.

As we have indicated to your associate, Ms. Carla Nelson, we too wish to settle this case. However, it is not this Agency's policy to postpone settlement of a case pending Agency approval of workplans. Unfortunately, given the workload and priorities facing those staff members whose job it is to review Pries' closure plan, at this time we cannot give you a definite timeframe for review of the closure plan.

Regarding the other matter discussed in your letter, financial assurance for closure, the regulations found in Title 40 of the Code of Federal Regulations (40 C.F.R.) Part 264 Subpart H require owners and operators of regulated hazardous waste management units to provide financial assurance for closure costs prior to undergoing closure. By doing so, the company is providing assurance that in the event closure is not carried out in accordance with the approved closure plan, then funds are available to EPA to complete the approved closure activities. Therefore, we would not waive the closure cost assurance requirement unless Pries could prove to this Agency's satisfaction that funding of the closure cost assurance mechanism would prevent actual funding of the necessary closure activities.

WSTM:RCRA:IOWA:SLUGANTZ:ls:9/7/90:DISKH:pries.low

IOWA IOWA CNSL
SLUGANTZ FLOURNOY⁸¹ BACON

L. Slugantz
9/17/90

LA Flourney
9/17/90

KB
9/19/90

TP
for JVC
9-17-90



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RCRA Records Center

If you would like to discuss any of these matters further, please feel free to contact me. At this time, we intend to pursue scheduling of the administrative hearing. In the interim, we would be happy to pursue settlement of this case if your client so wishes.

Sincerely yours,

Nancy E. Bacon
Assistant Regional Counsel
U.S. Environmental
Protection Agency

cc: Carla Nelson, Gardner, Carton & Douglas

Nancy Bacon ONSL

bcc: Lynn Slugantz, IOWA